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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,033	07/05/2000	Noriki Tachibana	00491/HG	4239
1933	7590	05/28/2004	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC			AHMED, SHEEBA	
767 THIRD AVENUE			ART UNIT	
25TH FLOOR			PAPER NUMBER	
NEW YORK, NY 10017-2023			1773	

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/610,033

Applicant(s)

TACHIBANA ET AL.

Examiner

Sheeba Ahmed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 15 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/27/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on February 27, 2004 includes copies of Abstracts of the two Japanese documents, JP 4-152125 and JP 6-278149, to be considered, and hence the submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the Examiner and an initialed copy of Form PTO/SB/O8A is attached to this Office Action.

### ***Priority***

2. Receipt is acknowledged of a sworn translation of the priority application, JP 191814/1999, and has been placed of record in the file.

### ***Response to Amendment***

3. No amendments have been made in the Response dated February 27, 2004.  
**Claims 1-18 are now pending of which 15 and 16 are withdrawn from consideration.**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9, 17, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Bujard et al. (US 5,855,660).

Bujard et al. disclose effect pigments having a flat core and at least one coating and use of these flat pigments in high molecular weight organic materials (Column 1, lines 1-16). These effect pigments possess superior optical properties that include in improved flop, reflectivity, goniochromaticity and saturation (Column 2, lines 55-59). The pigments have a flat core and an outer coating of a metal oxide such as silicon dioxide or titanium oxide (Column 6, lines 3-5). The flat core is preferably plate-like with a length of 3 to 200 microns, a width of 3 to 200 microns and a thickness of 0.1 to 5 microns **(hence having an aspect ratio between 0.6 to 30 and meeting the limitations of the claimed invention)** (Column 6, lines 26-32). The high molecular weight organic material for pigmenting may be selected from cellulose esters or ethers and examples include ethyl cellulose, cellulose acetate, cellulose propionate and cellulose acetobutyrate (Column 9, lines 27-35). With regards to the limitations of haze, dynamic friction coefficient and tear strength, the Examiner takes the position that these properties are inherently met by the effect pigment containing cellulose esters taught by Bujard et al. given that the composition of the resin and the particles as well as the amount of particles in the resin as taught Bujard et al. and that of the claimed invention

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are identical. All limitations of claims 1-9, 17, and 18 are either inherent or disclosed in the above reference.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10-14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishino et al. (US 5,680,184) in view of Bujard et al. (US 5,855,660).

Nishino discloses a color liquid crystal display device comprising a pair of polarizing plates arranged on both sides a liquid crystal cell (See Title, Abstract and claim 25). A color adjusting optical element (*corresponding to the polarizing plate*) is stacked on a liquid crystal cell and the polymer liquid crystal molecules are sandwiched between protective films consisting of cellulose triacetate (TAC) (Column 23, lines 31-37).

Nishino et al. do not teach that their cellulose acetate protective films comprise flat particles having an aspect ratio of 2 to 7.

However, Bujard et al. disclose effect pigments having a flat core and at least one coating and use of these flat pigments in high molecular weight organic materials (Column 1, lines 1-16). These effect pigments possess superior optical properties that include in improved flop, reflectivity, goniochromaticity and saturation (Column 2, lines

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55-59). The pigments have a flat core and an outer coating of a metal oxide such as silicon dioxide or titanium oxide (Column 6, lines 3-5). The flat core is preferably plate-like with a length of 3 to 200 microns, a width of 3 to 200 microns and a thickness of 0.1 to 5 microns (Column 6, lines 26-32). The high molecular weight organic material for pigmenting may be selected from cellulose esters or ethers and examples include ethyl cellulose, cellulose acetate, cellulose propionate and cellulose acetobutyrate (Column 9, lines 27-35).

Accordingly, it would have been obvious to one having ordinary skill in the art to add flat particles having an aspect ratio of 2 to 7 to the cellulose acetate protective film disclosed by Nishino given that Bujard et al. specifically teach that such particles possess superior optical properties such as improved flop, reflectivity, goniochromaticity and saturation.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-14, 17, and 18 have been considered but are moot in view of the new ground(s) of rejection.


### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheeba Ahmed whose telephone number is (571)272-1504. The examiner can normally be reached on Monday-Friday from 9am to 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau can be reached on (571)272-1516. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sheeba Ahmed  
Technology Center 1700  
Art Unit 1773

May 25, 2004